

JAN 31 2008

Application No. 10/590,611
After Final Office Action of November 28, 2007

5

Docket No.: 66126(70301)

REMARKS

In the Office Action dated November 28, 2007, claims 18-34 are pending, and claims 18-34 are rejected. Reconsideration is requested at least for the reasons discussed hereinbelow.

The above amendment is submitted to further clarify the subject matter regarded as invention. No new matter is added. The amendment to claim 18 is disclosed in the original application, for example, in the description in the bottom paragraph of page 5 lines 7 to 10 and in the fourth paragraph on page 7, respectively in conjunction with the illustrations in Figures 1A, 1B, 2A and 2B. The amendment to claim 31 is disclosed, for example, in the first paragraph on page 8 in conjunction with the figures.

Entry is requested in view of the newly cited art. Further, Applicant requests that the finality of the rejection be withdrawn in view of the newly cited art, so that issues regarding the newly cited art may fully developed.

Claims 18, 22-32 and 34 are rejected under 35 U.S.C. §103(a) over Chen (US 2002/0198081) in view of newly cited Webber (US 2007/0117690). The Examiner admits that Chen fails to disclose at least borings transverse to the longitudinal body, as set forth in claim 18. Webber is cited to make up for this deficiency. However, Webber fails to make up for the deficiencies of Chen.

In accord with the present invention as set forth in claim 18, the borings are provided transverse the longitudinal direction through the elongated body. In Webber, hand grip 44 is secured only to the outer surface of the arms 28 and this is done only via a ring or eyelet 46 (Fig.

Application No. 10/590,611
After Final Office Action of November 28, 2007

6

Docket No.: 66126(70301)

2 and paragraph [0047] on page 3). Nowhere in Webber, is it disclosed or suggested to provide borings through an elongated body transverse a longitudinal direction. The purpose and constitution of the element with reference sign 46 in Fig. 2 of Webber is simply to provide an attachment point for the handles 40 to be firmly secured to rigid side arms 28. This is fundamentally different from the concept and the idea of the present invention. Specifically, by designing the sports device according to present claim 18, it becomes possible to readily bend the elastically flexing elongated body in both of two main directions (e.g. above and below the apparent axial line illustrated by the dashed line in Figs. 1A and 1B of the present application).

Moreover, in a sports device according to the present invention, the handles can be pulled from one side to the other side over the respective ends of the longitudinal body in order to further improve the handling and the performance of the claimed sports device. In addition, the presently claimed construction facilitates the engagement of both the hands and the feet of a person into the handles. Thus, the operation can be facilitated, the training capabilities of the whole body of a person can be improved, and multiple gymnastic exercises can be carried out in spite of a quite simply constructed sports device.

The features and advantages of the sports device according to present claim 18 would not have been obvious to one of ordinary skill in the art in view of any combination of Chen and Webber.

Regarding claim 31, in the present invention, the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material, to enable

Application No. 10/590,611
After Final Office Action of November 28, 2007

7

Docket No.: 66126(70301)

pulling movement for elastically flexing the elongated body from the longitudinal direction
and/or stretching movement in the longitudinal direction.

Although a pulling or stretching of cable 10 is shown in Figs. 6 to 10 of Chen, the handles 20 and the stretching cable 10 are never arranged in a manner that, by way of such cable 10, a pulling movement thereof would elastically flex the elongated body 60 from the longitudinal direction, or would allow a stretching movement in the longitudinal direction. Further, it is not seen how the presently claimed invention is suggested to one of ordinary skill in the art. The provision of a stretching cable in Chen has nothing in common with the purpose and the corresponding structural and functional arrangement of the stretchable element in combination with the handles as defined in present claim 31. Again, with this structural and functional arrangement as defined in present claim 31, the sports device according to the present invention has significantly improved functional features and the training capabilities during use. Although the exerciser combination of Chen requires the user to fundamentally modify and reconstruct the device for performing various kinds of exercises (as becomes immediately apparent from the illustrations in Figs. 1, 2 and 6-17), the sports device according to the present invention integrally provides the user for multiple exercise functionalities. For example, without any modification or restructuring, it is possible to make a pulling movement for elastically flexing the elongated body from the longitudinal direction, while still enabling a stretching movement in the longitudinal direction (see e.g. first paragraph on page 8 and Figs. 1 and 2 of the present invention).

Webber fails to teach or suggest any structure to make up for the deficiencies of Chen. Nothing in Webber suggests a structure that enables a pulling movement for elastically flexing

Application No. 10/590,611
After Final Office Action of November 28, 2007

B

Docket No.: 66126(70301)

the elongated body from the longitudinal direction, while still enabling a stretching movement in the longitudinal direction.

The dependent claims are patentable for at least the same reasons as discussed above.

Thus, it is not seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of any combination of Chen and Webber.

Claims 18, 22, 23 and 32 are rejected under 35 U.S.C. §103(a) over Brown (US 5,004,226) in view of newly cited Webber. The Examiner admits that Brown fails to disclose at least borings transverse to the longitudinal body, as set forth in claim 18. Webber is cited to make up for this deficiency. However, as discussed above, Webber fails to make up for the deficiencies of Brown. Nowhere in Webber, is it disclosed or suggested to provide borings through an elongated body transverse a longitudinal direction.

Thus, it is not seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of any combination of Brown and Webber.

Claims 18 -26 are rejected under 35 U.S.C. §103(a) over Sanso (US 2001/0049240) in view of newly cited Webber. The Examiner admits that Sanso fails to disclose at least borings transverse to the longitudinal body, as set forth in claim 18. Webber is cited to make up for this deficiency. However, as discussed above, Webber fails to make up for the deficiencies of Sanso. Nowhere in Webber, is it disclosed or suggested to provide borings through an elongated body transverse a longitudinal direction.

JAN. 31. 2008 1:14PM

RECEIVED
CENTRAL FAX CENTER

NO. 4538 P. 11

JAN 31 2008

Application No. 10/590,611
After Final Office Action of November 28, 2007

9

Docket No.: 86126(70301)

Thus, it is not seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of any combination of Sanso and Webber.

Claim 33 is rejected under 35 U.S.C. §103(a) over Sanso and Webber, and further in view of Brown. Claim 33 is patentable for at least the same reasons as discussed above.

Thus, it is not seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of any combination of Sanso, Webber and Brown.

In view of the discussion above, applicant believes the pending application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Dated: 31 Jan '08

Respectfully submitted,

By 

George W. Neuner

Registration No.: 26,964

EDWARDS ANGELL PALMER & DODGE
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5538